

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	Master File No. 12-md-02311
	:	Honorable Marianne O. Battani
In re: All Auto Parts Cases	:	2:12-md-02311-MOB-MKM
	:	
THIS DOCUMENT RELATES TO:	:	
	:	
ALL AUTO PARTS CASES	:	
	:	

ORDER REGARDING FCA US LLC DISCOVERY

WHEREAS the Parties¹ filed a Renewed Motion to Compel Discovery from Certain Non-Party Original Equipment Manufacturers and Their Affiliated Entities on November 7, 2016 (ECF No. 1500; hereinafter, “Motion to Compel”), including from OEM FCA US LLC (“FCA”); and

WHEREAS, the Special Master has issued a separate, general Order regarding the Motion to Compel that applies to all of the OEMs, and further determines that additional specific orders should issue with respect to each OEM separately; and

¹“Parties” include End-Payor Plaintiffs (“EPPs”), Truck and Equipment Dealer Plaintiffs (“TEDPs”), the State of Florida, the State of Indiana, and certain Defendants in all parts cases in *In re Automotive Parts Antitrust Litigation*, No. 2:12-md-02311-MOB-MKM (E.D. Mich.). Not all Defendants join this motion with respect to FCA. See ECF No. 1185 at Attachment A. Automobile Dealership Plaintiffs (“ADPs”) filed a statement of concurrence, concurring in part with the requests and brief of the Parties. See Case No. 2:12-md-02311-MOB-MKM, Doc. No. 1509. The Parties, together with ADPs, are collectively the “Serving Parties.”

WHEREAS, with respect to certain categories of documents, the Serving Parties and FCA negotiated certain compromises (“Compromises”), but were unable to reach agreement on all issues in dispute between them; and

WHEREAS the Special Master has determined, in the exercise of his discretion, that those Compromises should be included in a FCA-specific Order that addresses all of the categories of documents and/or data at issue in the Parties’ Renewed Motion to Compel that are not otherwise disposed of in the general Order regarding OEM discovery.

IT IS HEREBY ORDERED that FCA shall produce documents and data to the Serving Parties in accordance with the terms set forth in the chart attached hereto. *See Exhibit A.* To the extent that the attached Exhibit A conflicts with the General Order on the Motion to Compel, the more specific provisions in the attached Exhibit A control.

IT IS FURTHER ORDERED that neither this Order nor any agreement by any of the Serving Parties with respect to documents and data to be produced by FCA shall be deemed to waive or otherwise prejudice any arguments about the evidence and information obtained from the OEMs, including that such evidence or information is irrelevant, inadmissible, or insufficient to establish any matter relevant to any claim or defense. Each party expressly reserves its rights to assert any such arguments, without limitation, throughout the course of all cases in this MDL.

IT IS FURTHER ORDERED, that by attempting to negotiate compromise positions, neither (i) have the Serving Parties waived any rights regarding this subject, including the right to appeal this Order or to seek additional documents or data in the future should the need arise, nor (ii) has FCA waived any objections to producing the documents or data sought now or in the future by the Serving Parties, or to appeal this Order.

IT IS FURTHER ORDERED, that by limiting production of certain upstream categories of documents and/or data to only those parts at issue in the *Bearings* and *AVRP* cases, this Order does not prejudice the rights of any party to seek (or FCA's right to oppose) production of additional upstream documents and/or data for parts at issue in other *In re Auto Parts* cases in the future.

This Order shall be subject to appeal to The Honorable Marianne O. Battani, pursuant to the Order Appointing A Master (ECF No. 792). Any party that wishes to file an objection to this Order must do so within fourteen (14) days of the ECF filing date of this Order. Responses shall be due ten (10) days after the date on which the objections are filed, and replies shall be due five (5) days after the date on which the responses are filed. Failure to meet this deadline results in waiver of any objection to the Master's order, absent good cause shown. Order Appointing A Master, § II.B.

IT IS SO ORDERED.

DATED: January 9, 2017

/s/ Gene J. Esshaki
GENE J. ESSHAKI
SPECIAL MASTER

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on January 9, 2017.

s/ Kay Doaks
Case Manager